



REGULATORY SUB-COMMITTEE HEARING

Members' Record of Determination

Street Trading Consent Renewal Application – Shenley Kebabs,
Roebuck Way, Knowhill

Constitution of the Sub-Committee:	Councillors Bowyer and Cryer-Whitehead		
Chair	Councillor Legg		
Legal Advisor:	Kat Hulatt		
Committee Manager:	Shelagh Muir		
	Licensing Officers:	S Teesdale	Licensing and Business Manager
		K Evans	Senior Enforcement Officer
		M Barnes	Senior Environmental Health Officer
Applicant	Mr Dogan represented by Harriet Mather – Solicitor		
Others Present	Cllr Marlow (Loughton and Shenley Ward) and Parish Councillor A Sargent (Loughton and Great Holm Parish Council)		
Documentation:			
Apologies:	None		
Disclosures of interest:	None		

Signature:	
Chairman:	Councillor Legg
Date:	21 October 2019



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Reason for Hearing

This is a renewal application for a Street Trading Consent by the Applicant for a street trading consent for nine and a half hours a day, 7 days a week between 16:00 and 00.30 on Roebuck Way, Knowlhill.

During the public consultation, representations were received from Madison, a business on Roebuck Way, the Parish Council (Loughton and Great Holm) an Environmental Health officer and the Highways Officer, as well as comments from some Ward Councillors. The Sub Committee also received an email from Cllr Williams of Shenley brook End and Tattenhoe Parish Council supporting the renewal but on a probationary basis, which they had due regard to

The issue raised included the fact that the Applicant tended to trade with the serving hatch out on the road, putting customers in the Highway, litter, waste being left in the bushes, use of chairs and tables outside of the van, and patrons using the bushes nearby as a toilet.

The current consent carries additional conditions:

- Tables and chairs shall not to be setup by the trader or customers of the food mobile at the trading location.
- Tables and chairs, plus BBQ trays or any other cooking paraphernalia shall not to be kept in bushes or in the area nearby to prevent use.
- A concurrent and valid waste contract shall be in place to ensure waste is adequately controlled and removed including

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oil. The contractual arrangements of which shall be provided to the Licensing Authority on request.

- Prevent and clear any cigarette butts on green adjacent to food mobile.
- A litter check and pick shall be conducting in the immediate vicinity after trade finishes.
- The trading area shall be left in a clean and tidy condition.
- Sufficient bins to be available for customers.

The litter pick shall be conducted to ensure a 30-metre litter-free zone around the foodmobile.

- The serving hatch shall face the pavement whilst the food mobile is trading.

During an inspection carried out by a Licensing Officer on the 3 October 2019, a number of breaches of the conditions were observed. Table and chairs were present; the van was facing into the road and not the pavement and in addition general conditions requiring the display of the consent and all staff having passed a DBS check were not being observed.

The Applicant's licence expired on the 30 September 2019, and they have applied for renewal, however, due to concerns the matter had been referred to committee.

The objectors in attendance Councillor Marlow, Ward Councillor and Parish Councillor A Sargent, spoke regarding the safety aspect of the hatch and also the waste in the bushes near where the food mobile is located. The Parish Councillor A Sargent also stated that they were concerned about the large number of lorries using the food mobile and then staying overnight. They also had commented that the position of the food mobile was no longer appropriate and that the hours should be shortened.

The Applicant's representative recognised that the applicant had been poor at complying with conditions but stated that he would improve. It was stated that the reason that the food mobile was turned to face the road was due to there not being sufficient lighting when facing the pavement, which meant the applicant could not see customers properly and was therefore unsafe. However it was commented that the applicant would be improving the lights on the food mobile so that he could trade in line with his conditions, with the hatch facing the pavement. The pictures that had been taken of the waste were discussed and it was agreed that the Applicant did not have any

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barbequing facilities in the food mobile and therefore the coals were unlikely to be his. Although it was conceded that the oil had been left there by him, but to be picked up and disposed of through the waste contract that he held.

1. Decision

The Sub-Committee considered the representations from both sides and the Street Trading Policy. They commented that they wanted the Applicant to appreciate that they had grave concerns over his previous behaviour. The trading hatch in particular is a serious risk to customers safety and must stop immediately. The hatch must be positioned with the food mobile turned towards the pavement in compliance with the consent conditions.

The consent should be renewed but only for a period of 6 months active from the 1 October 2019. This will act as a probationary period enabling the Applicant to be brought back before the Committee, if further objections are received, than would normally be the case. So that the committee can be satisfied that compliance with relevant conditions is being achieved. This is due to the previous failure by the applicant to attain compliance.

The Committee were pleased that the Applicant was committed to complying with the conditions in full and would encourage him to do so. They would also encourage Licensing to take any further non-compliance very seriously and bring any issues back to Committee as a matter of urgency.

The current conditions are to be continued on to the renewed consent and an additional condition added to state that the Applicant would ensure adequate lighting is provided to ensure the safety and security both of himself, his staff and his customers. 'Adequate' is to be agreed with the licensing officers.

2. Reasons

The Sub Committee felt that this was the last chance for the Applicant. They wanted to give him another chance to trade safely and lawfully, however were clear that any further breaches would be considered quickly and would be considered as very serious by the Committee considering them, given the extent of non-compliance outlined to the Committee.

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